

AN ACT concerning health.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 21.5 as follows:

(410 ILCS 620/21.5)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 21.5. Default beverage for children's meals.

(a) In this Section:

"Children's meal" means a combination of food items sold for a single price intended for consumption by children.

"Default beverage" means a beverage automatically included as part of a children's meal absent a specific request by the purchaser of the children's meal for an alternative beverage.

"Restaurant" has the same meaning provided in Section 21.4 of this Act.

(b) Notwithstanding any other provision of law, a restaurant shall, by default, include one of the following default beverages with a children's meal sold by the restaurant:

(1) water with no added natural or artificial sweeteners;

(2) sparkling water with no added natural or artificial sweeteners;

(3) flavored water with no added natural or artificial sweeteners;

(4) nonfat or 1% dairy milk containing no more than 130 calories per container or serving as offered for sale
~~with no added natural or artificial sweeteners;~~

(5) nondairy milk alternatives:

(A) with no added natural or artificial sweeteners;

(B) containing no more than 130 calories per container or serving as offered for sale; and

(C) meeting the standards for the National School Lunch Program as set forth in 7 CFR 210.10; or

(6) 100% fruit or vegetable juice or juice combined with water or carbonated water, with no added sweeteners, in a serving size of no more than 8 ounces.

(c) A restaurant may include a beverage with a children's meal that is not listed under subsection (b) upon request.

(d) A beverage listed or displayed on a restaurant menu or in-store advertisement for a children's meal shall be one of the default beverages listed in subsection (b).

(e) During any inspection of a restaurant by a health officer or health inspector of a local health department, the health officer or health inspector shall inspect the restaurant to determine whether it complies with this Section.

(f) A restaurant that violates this Section is subject to:

- (1) a warning for a first offense;
- (2) a civil penalty of \$25 for a second offense; and
- (3) a civil penalty of \$100 for a third or subsequent offense.

An executive officer of a certified ~~A~~ local public health department ~~director~~, or his or her designee, may charge and collect the civil penalties under this subsection.

(g) The Department of Public Health may adopt any rules it deems necessary for the implementation, administration, and enforcement of this Section.

(Source: P.A. 102-529, eff. 1-1-22.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law.